

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NIKIDRA DESANDRE and
IKEYA LYONS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BEATRICE DESANDRE,

Respondent-Appellant

and

DESHAWN LYONS,¹

Respondent.

UNPUBLISHED

June 16, 2009

No. 289858

Mason Circuit Court

Family Division

LC No. 07-000093-NA

Before: O'Connell, P.J., and Bandstra and Donofrio, JJ.

MEMORANDUM.

Respondent, Beatrice Desandre, appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (children will be harmed if returned to parent). Because the trial court did not clearly err in finding that petitioner established the statutory grounds for termination of parental rights by clear and convincing evidence and that termination was in the best interests of the children, we affirm.

The trial court's findings of fact may not be set aside unless they are clearly erroneous, and this Court shall give regard to the trial court's special opportunity to judge the credibility of witnesses who appeared before it. MCR 2.613(C).

¹ The trial court also terminated respondent father's parental rights. He is not participating in this appeal.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The principal condition that led to adjudication was that respondent was arrested and jailed on August 24, 2007 for delivery of cocaine and possession of marijuana in her home, where she was living with the two minor children. The evidence established that from the time the children were removed from her care on August 29, 2007 through the termination hearing of December 18, 2008, respondent failed to comply with the terms of her service plan and agreement. She did not obtain employment to support her children, she failed to cooperate with attempts by Michigan Rehabilitative Services to assist her in finding employment, she lived with friends instead of procuring appropriate housing for the children, she chose not to participate fully and benefit from counseling and mental health medications, and she completed only part of the required parenting classes.

Further, the evidence established that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the children loved their mother, other testimony demonstrated that she was unable to provide for their basic needs, such as safe and appropriate housing, food, and clothing. Other evidence established that the children had obtained stability and permanency in their temporary placement, and that they had the capacity to adapt to termination of their mother's parental rights and permanent placement elsewhere. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell
/s/ Richard A. Bandstra
/s/ Pat M. Donofrio